

REMARKS

Claims 1-25 are pending in this application. Claims 1 and 15 are independent claims. By this Amendment, claims 7, 15 and 17-20 are amended and claims 21-25 are added. No new matter is added.

Claim Rejections

Non-statutory Double Patenting Rejection

Claims 1-20 are provisionally rejected on the grounds of non-statutory double patenting as unpatentable over co-pending U.S. Patent Application 10/542,027 to Freimuth, et al. (Freimuth). The rejection is respectfully traversed.

In rejecting claims 1-20, it is alleged that although the conflicting are not identical, they are not patentably distinct from each other because, for example, “All the limitations of claim 1 of the instant application are met by the combination of claims 1, 7, 8 and 9 of the co-pending application” (10/542,027).

Applicants submit that the combination of claims 1, 7, 8 and 9 do not recite the features of claim 1. For example, independent claim 1 of the instant application recites “coding means and opposing coding means, for providing module location-specific assignment.” In contrast such a feature is not recited in any of the pending claims of US 10/542,027, as amended. Therefore, the claims of the instant application and the co-pending application are patentably distinct. For at least these same reasons, independent claim 15 of the instant application is also patentably distinct from the claims of US 10/542,027.

Because the rejected claims recite subject matter that is patentably distinct from the claims of US 10/542,027, withdrawal of the rejection is respectfully requested.

Allowable Claims

The indication that claims 1-20 would be allowable subject to the filing of a terminal disclaimer is appreciated. However, claims 1-20 are patentably distinct from the claims of co-pending US application 10/542,027, Applicants submit that claims 1-20, as well as new claims 21-25, are in condition for allowance.

New Claims

New claims 21-25 are allowable for their dependency on independent claim 15, for the reasons discussed above. Additionally, as new claims 21-25 merely recite subject matter previously found to be allowable in independent claim 15, claims 21-25 are also allowable.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Fitzpatrick at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
HARNESS, DICKY, & PIERCE, P.L.C.

By


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